UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,063	03/25/2004	Wolfgang Pfeifer	24307-018US1/2001P00030WO	8061

32864   7590   10/28/2008
FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
PRICE, NATHAN E

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
10/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 August 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/21/2008</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to communications received 13 August 2008.

Claims 1 – 8 are pending. Previous objections and rejections not included in this Office

Action have been withdrawn.

2.   In view of the Appeal Brief filed on 13 August 2008, PROSECUTION IS HEREBY

REOPENED. New grounds of rejection are set forth below.

    To avoid abandonment of the application, appellant must exercise one of the

following two options:

    (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

    (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

    A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

Response to Arguments

3.   Applicant's arguments filed 13 August 2008 have been fully considered but they
are not persuasive.

4.   Applicant argues Brasher fails to teach two different hierarchies as claimed.
However, Brasher teaches a hierarchical namespace (col. 13 lines 50 – 53) and a
schema hierarchy that may be part of the namespace in some embodiments (col. 15
lines 60 – 64; col. 16 lines 27 – 33). Although the schema hierarchy is part of the
namespace, the schema hierarchy is itself a hierarchy. Furthermore, the schema
hierarchy is not identical to the complete namespace. Therefore, the schema hierarchy
(type hierarchy) is different from the hierarchical namespace (object hierarchy).

5.   Applicant argues Sugiyama fails to teach translations using both hierarchies as
claimed. However, Brasher is relied upon to teach the two hierarchies. When Brasher
is considered in view of Sugiyama, which teaches translations, the combination teaches
translations using both hierarchies.

6.   Applicant argues Brasher teaches away from the combination of references and
specifically argues that such a combination would destroy the uniquely addressable
feature of the objects if the translations were performed. However, the uniquely
addressable property of objects refers to an address identifying no more than one object
(col. 11 lines 27 – 30). It does not prohibit multiple addresses (or paths) in different
languages from addressing the same object. Therefore, identifying an object with a

translated identifier or path does not necessarily conflict with the uniquely addressable

feature taught by Brasher.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

7.   Claims 1 – 8 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

8.   It is not clear if objects represent corresponding components in the first

computer, the first application or both (claim 1 lines 3 – 4).

9.   Claim 1 recites the limitation "the type hierarchy" in line 6. There is insufficient

antecedent basis for this limitation in the claim. Claim 1 recites the limitation "the object

hierarchy" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 6 and 7 have similar problems.

10.   In claim 1, it is not clear if the type chain and object chain are provided by the

first computer or the message generator. It is also not clear if the chains are provided to

the message or if the message includes the chains and the message is provided to some other entity.

11.   In claim 1, it is not clear what is being claimed by reciting the type chain and object chain. For example, it is not clear if this is a path that leads from the root of a hierarchy to the node recited as included in each chain. If so, it is not clear if the nodes are actually included in the chains or if they are nodes in a hierarchy and identified by the chains. Additionally, it is not clear how the target object is identified by a combination of the type node and object node. Specifically, it is not clear how the nodes are combined to identify the target object. Claims 4, 6 and 7 have similar problems.

12.   In claim 1, it is not clear what is meant by "...provide identification of the target component with type and object as well as identification of the parent components with types and objects..." in the last paragraph. Specifically, it is not clear what is meant by the recited type and object. For example, it is not clear if the type and object are characteristics of the corresponding components, located with the corresponding components, used to identify the corresponding components or have some other relationship or functionality with the identification of the corresponding components. Claims 4, 6 and 7 have similar problems.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1 – 4 and 6 – 8 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brasher et al. (US 6,895,586 B1; hereinafter Brasher) in view of

Sugiyama et al. (US 6,345,245 B1; hereinafter Sugiyama).

14.   As to claim 1, Brasher teaches a computer system for identifying a target

component in an apparatus that has components related in a hierarchy [col. 3 line 61 –

col. 4 line 11], the computer system comprising:

        a first computer operable to execute a first application in which objects

    represent corresponding components, wherein the first application relates the

    objects in both a hierarchy identifying types of components and a different

    hierarchy identifying information associated with objects, wherein the type

    hierarchy and the object hierarchy identify the components in a first natural

    language [col. 3 line 61 – col. 4 line 11; col. 11 lines 20 – 57; col. 12 lines 1 – 5;

    col. 13 line 50 – col. 14 line 11; col. 16 lines 26 – 33];

        a second computer coupled to the first computer via a network [Fig. 3; col.

    3 lines 46 – 48];

wherein the first computer includes a message generator operable to receive information relating to both the type hierarchy and the object hierarchy from the application and to provide a message with a type chain in a parent-child direction and an object chain also in the parent-child direction, wherein the type chain includes a type node associated with a target object and the object chain includes an object node associated with the target object, a combination of the type node and the object node identify the target object that corresponds to the target component, and a combination of ascendants of the type node and ascendants of the object node correspond to parent components [col. 4 lines 1 – 11; col. 13 lines 50 – 65; col. 15 line 60 – col. 16 line 33]; and

wherein the second computer has a message interpreter operable to parse both chains to provide identification of the target component with type and object as well as identification of the parent components with types and objects [col. 12 lines 5 – 12; col. 13 lines 50 – 65; col. 15 lines 31 – 47, 60 – col. 16 line 33].

15.   Brasher fails to specifically teach a different natural language as claimed. However, Sugiyama teaches translating information from the first natural language to a different natural language [col. 1 lines 33 – 38; col. 4 lines 50 – 63]. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these references because Brasher recognizes that a namespace can be distributed across different countries [col. 2 lines 12 – 20], motivating one of ordinary

skill in the art to consider the teachings of Sugiyama to handle language differences that could be encountered when dealing with multiple countries.

16.   As to claim 2, Brasher teaches type-object hierarchy information and types, but fails to specifically teach presenting data in different languages. However, Sugiyama teaches that the first computer presents information to a first user and thereby adds statements in a first language, and that the second computer presents information in a second language [col. 1 lines 33 – 38; col. 4 lines 50 – 63].

17.   As to claims 4, 6 and 7, see the rejection of claim 1.

18.   As to claim 3, Brasher teaches the message generator at the first computer is operable to append an identifier type to the type chain, and to append an identifier object to the object chain [col. 15 lines 24 – 30; col. 16 lines 27 – 67].

19.   As to claim 8, Brasher teaches the first and second runtime environments use different object models [col. 12 lines 1 – 5].

20.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brasher in view of Sugiyama as applied to claim 4 above, and further in view of Tanenbaum (Tanenbaum, Andrew S. "Computer Networks." Third Edition, Prentice Hall PTR, 1996; pages 630-643.).

21.   As to claim 5, Brasher at least implies displaying the identification of the target component with type statements, wherein the type statements are provided locally [col. 15 line 60 – col. 16 lines 2, 27 – 33]. Furthermore, Tanenbaum teaches that SNMP includes a description parameter for object types intended for human users [page 640 ¶ 3]. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these references because Brasher teaches use of SNMP [col. 13 lines 27 – 30] and the cited portion of Tanenbaum teaches details of SNMP.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/   NP
Supervisory Patent Examiner, Art Unit 2195